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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/197,441	11/23/1998	MICHAEL BEHAGEN	1521/1	1283

7590 07/29/2003

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EXAMINER

GRANT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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2611

*Handwritten number 24*

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/197,441

Applicant(s)

BEHAGEN ET AL.

Examiner

Christopher Grant

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 18-19, 22, 25-27 and 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Van Ryzin (6,131,130) and Phan et al. (Phan) (6,064,437) (of record).

Considering claims 18 and 35, Van Ryzin discloses a remote display device (10,8; figure 2) for remote interaction by a user with a main computer (2,14) being in communication with a main transmitter (20, 20a; figure 3) and a main receiver (28,28a), the main computer featuring a local video card (22) and the main computer featuring a local input port for receiving input instructions, the device comprising:

- a) a computer monitor (10) for receiving display signals directly from the local video card (22) through the main transmitter (20, 20a), the computer monitor inherently having a remote receiver (connected to the antenna) for receiving the display signals wirelessly; and
- b) a remote input platform (8) for receiving input data from the user and for transmitting the input data to the main computer (10) through the main receiver (28,28a), the remote input platform featuring a remote transmitter for transmitting the input data to the main receiver;

such that the device (8,10) lacks a **CPU\*** (as defined by Applicant) and such that only the main computer has a CPU and wherein the main computer, the computer monitor and the

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remote input platform in combination form a computer and wherein the computer monitor (10) and the remote input platform (8) are physically separable from the main computer.

\*The term CPU is defined in Applicant's specification at page 5 (last paragraph) as follows:

***"Hereinafter, the term CPU includes those portions of the computer which control the remainder of the computer, including those peripherals. As defined herein, the CPU includes the control unit and the arithmetic and logic unit (ALU), as well as other components such as memory and temporary buffers which are required for the operation of the control unit and the ALU. Other types of microprocessors or data processors are specifically excluded from the term CPU as herein defined".***

Van Ryzin discloses that the remote input platform (8) comprises a CPU (8c) in figure 8. CPU (8c) processes keystrokes by coding them into ASCII for transmission to the main computer for decoding and/or translation (col. 6, lines 29-36). Van Ryzin's CPU (8c) **does not** control the remainder of the computer or other peripherals. CPU (8c) **does not** include a control unit or an ALU, or other components such as a memory and temporary buffers which are required for the operation of the control unit and the ALU. CPU (8c) falls into the category of "other types of microprocessors or data processors" that are specifically excluded from the term CPU (as defined by applicant).

However, Van Ryzin fails to specifically disclose that the main computer features a local video card for compressing a display signal, wherein the display signal comprising at least video data and a monitor for receiving a compressed display signal and decompressing the compressed display signal for displaying video data after decompression as recited in the claim.

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Phan discloses a main computer (14) comprising a video card (22) (figure 2A) for compressing a display signal, the display signal comprising at least video data and a wireless remote display device (16,18) for receiving a compressed display signal and decompressing (28, video expander) (figure 2B) the compressed display signal for displaying video data after decompression for the advantage of easing bandwidth requirements on the wireless communication link. See col. 3, lines 54-57 and column 4, line 17- col. 5, line 22.

It would have been obvious to one of ordinary skill in the art to modify van Ryzin's system to include the main computer featuring a local video card for compressing a display signal, the display signal comprising at least video data and a display device such as a monitor for receiving a compressed display signal and decompressing the compressed display signal for displaying video data after decompression, as taught by Phan, for the advantage of easing bandwidth requirements on the wireless communication link.

Claims 19 and 22 are met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses RF transmission between the device (8,10) (comprising remote receiver) and the computer (2,14) (comprising main receiver) in col. 4, lines 8-54.

Claim 25 is met by the combined systems of Van Ryzin and Phan, wherein Phan discloses a video expander (28) (figure 2B) for receiving the display signals from the remote receiver and for expanding the display signals to produce expanded signals.

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Considering claim 26, Van Ryzin and Phan fail to specifically disclose an audio amplifier or amplifying audio signals from the remote receiver as recited in the claim.

The Examiner takes Official Notice that it is notoriously well known in the art to have an audio amplifier and speaker associated with a computer monitor system for the advantage of providing audio output from audio-video or multimedia programs.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Van Ryzin and Phan (if necessary) to include an audio amplifier and a speaker for the typical advantage of providing audio output from audio-video or multimedia programs.

Claim 27 is met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses remote input platform (8) that comprises a keyboard and touch pad.

Claim 30 is met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses port (26) and/or bus (16) that receive data transmitted directly to the main computer.

Considering claim 31, Van Ryzin discloses a system for remote interaction with a user comprising:

- a) a main computer (2,14) the main computer featuring a CPU, the main computer comprising
  - (i) a main transmitter (20,20a) for transmitting radiowaves (col. 4, lines 8-54);
  - (ii) a plurality of video cards (VGA card 22, TV tuner card (24), DVD card, CD card, additional tuner card etc. all connected to switch (18b) described at columns 4-5 and throughout the entire reference);

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- (iii) an operating system (col. 4, lines 1-7, col. 5, lines 54-67);
- b) a computer monitor (10) for display signals from video card (22) through the main transmitter (20,20a) and featuring a remote radiowave receiver (connected to the antenna of 10), the computer monitor (10) lacking a CPU; and
- c) a remote input platform (8) for receiving input data from the user and for transmitting the input data to the main computer (10) through the main receiver (28,28a), the remote input platform featuring a remote radiowave transmitter for transmitting the input data to the main receiver, the remote input platform lacking a CPU\* (as defined by Applicant).

\*The term CPU is defined in Applicant's specification at page 5 (last paragraph) as follows:

*"Hereinafter, the term CPU includes those portions of the computer which control the remainder of the computer, including those peripherals. As defined herein, the CPU includes the control unit and the arithmetic and logic unit (ALU), as well as other components such as memory and temporary buffers which are required for the operation of the control unit and the ALU. Other types of microprocessors or data processors are specifically excluded from the term CPU as herein defined".*

Van Ryzin discloses that the remote input platform (8) comprises a CPU (8c) in figure 8. CPU (8c) processes keystrokes by coding them into ASCII for transmission to the main computer for decoding and/or translation (col. 6, lines 29-36). Van Ryzin's CPU (8c) **does not** control the remainder of the computer or other peripherals. CPU (8c) **does not** include a control unit or an ALU, or other components such as a memory and temporary buffers which are required for the operation of the control unit and the ALU. CPU (8c) falls into the category of "other types of

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microprocessors or data processors” that are specifically excluded from the term CPU (as defined by applicant).

However, Van Ryzin fails to specifically disclose that the main computer includes at least a second video card for compressing a display signal and a monitor for receiving a compressed display signal and decompressing the compressed display signal for displaying video data obtained after decompression as recited in the claim.

Phan discloses a main computer (14) comprising plural video cards including a video card (22) (figure 2A) for compressing a display signal, the display signal comprising at least video data and a wireless remote display device (16,18) for receiving a compressed display signal and decompressing (28) (figure 2B) the compressed display signal for displaying video data after decompression for the advantage of easing bandwidth requirements on the wireless communication link. See col. 3, lines 54-57 and column 4, line 17- col. 5, line 22.

It would have been obvious to one of ordinary skill in the art to modify van Ryzin’s system to include the main computer to comprise at least a second video card for compressing a display signal and display device such as a monitor for receiving a compressed display signal and decompressing the compressed display signal for displaying video data obtained after decompression, as taught by Phan, for the advantage of easing bandwidth requirements on the wireless communication link.

Claim 32 is met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses local input device (4) having an input device port on PC board (14) and switch (see the



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entire reference including but not limited to col. 3, line 3, line 63 – col. 4, line 7 and col. 4, line 30- col. 5, line 28).

Claim 33 is met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses main radiowave receiver (28, 28a) (figure 3).

Claim 34 is met by the combined systems of Van Ryzin and Phan, wherein Van Ryzin discloses the switching between the local input and remote input throughout the entire reference including but not limited to col. 3, line 3, line 63 – col. 4, line 7 and col. 4, line 30- col. 5, line 28.

3. Claims 20-21 and 23-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin and Phan as applied to claim 18 above, and further in view of Yen (of record).

Considering claims 20 and 23, Van Ryzin and Phan fail to specifically disclose radiowaves in a range of from about 2.4 GHz to about 5.8 GHz as recited in the claims.

In a strikingly similar system Yen teaches that remote computer displays should use a band around 2.4 GHz. In addition this band is considered to be an ISM band SP<sup>2</sup>.

It would have been obvious to modify the combined systems of Van Ryzin and Phan, to include the frequency band of 2.4GHz to about 5.8 GHz, as taught by Yen, for the typical advantage of conforming to known practices and FCC regulations.

Claims 21 and 24 are met by the combined systems of Van Ryzin, Phan and Yen, wherein the 2.4GHz band (taught by Yen) is considered to be an ISM band SP<sup>2</sup>.

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4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Ryzin and Phan as applied to claim 18 above, and further in view of Hare et al. (Hare) (6,084,638) (of record).

Considering claims 28 and 29, Van Ryzin and Phan fail to specifically disclose the remote input platform comprises a microphone and joystick port as recited in the claims.

In a strikingly similar system, Hare teaches the use of plural input devices (27a-d) and ports including a microphone, joystick and joystick port for the advantage of facilitating the user with various input devices to make selections (including voice commands). See the entire reference including but not limited to col. 6, line 64 - col. 7, line 20.

It would have been obvious to one of ordinary skill in the art to modify the combined systems of Van Ryzin and Phan to include microphone and joystick port, as taught by Hare for the advantage of facilitating the user with a system that is responsive to voice and/or joystick commands.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 18-34 have been considered but are moot in view of the new ground(s) of rejection.

6. Applicant's failure to adequately traverse the Examiner's taking of Official Notice in the last Office Action is taken as an admission of the facts noticed.

*Affidavit*

7. The Affidavit under 37 CFR 1.132 filed 5/6/2003 is insufficient to overcome the rejection of claims 18-35 based upon Van Ryzin and Phan as set forth in the current Office action because:

(a) It generally states that Van Ryzin's invention is a system that converges a personal computer with various audio video devices and that the instant invention is a single computer divided into interlocking platforms that when combined forms a single computer (Affidavit at pages 2-3 and the amendment filed via fax 5/6/2003 on pages 5-11 and entered as per RCE filed 7/14/2003).

(Response) First note that claims 18, 31 and 35 generally recite that the main computer and the monitor are physically separable, and that the main computer and the monitor in combination form a computer.

Secondly, the Examiner posits that Van Ryzin's main computer (14) and remote monitor (10) are physically separate, and that the main computer (14) and monitor (10) form a computer system. Applicant is reminded that the claims do not preclude a converged computer system.

Thirdly, claim 26 recites that the computer monitor comprises an audio amplifier and speaker. According to the Affidavit, the instant invention is a computer and/or computer monitor that do not include, integrate or converge with other components or devices. Clearly claim 26 calls for an integrated computer and/or integrated computer monitor. The Examiner posits that Van Ryzin's computer and/or computer monitor is an integrated system as much as applicant's computer and/or computer monitor is an integrated or convergence system;

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(b) It states that Van Ryzin's invention is a personal computer connected to a video monitor that is acting as a television and that "A television would actually require further adaptation in order to be able to act as a monitor for the personal computer because monitors and televisions have different requirements in terms of the signal received and the processing of that signal" on page 2 (last paragraph to page 3, line 2).

(Response) First, the claims simply call for a computer monitor.

Secondly, the Affidavit is correct that Van Ryzin describes a wireless video monitor (10) and a personal computer (14) (figure 1). Van Ryzin at col. 6, lines 8-12 describe that commands entered by a user via keyboard/mouse device (8) are transmitted to the wireless video monitor 10 for displaying the user's commands. Since monitor (10) is operable connected to computer (14) and displays commands entered via a keyboard, the Examiner posits that monitor (10) is a computer monitor and the Affidavit is not persuasive.

Thirdly, TV tuner cards are notoriously well known devices that are inserted in a personal computer and more importantly the claims do not recite that the monitor precludes receiving television signals. Therefore, the Examiner posits that monitor (10) is a computer monitor and the Affidavit is not persuasive;

(c) It states that the claimed subject matter solved a problem that was long standing in the art (Affidavit at page 3, lines 13-16 and page 4, lines 17-20). However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that if persons skilled in the art who were presumably working on

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the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04; and

(d) It states that the claimed subject matter features compression.

In response, the Examiner has provided the Phan reference to support the newly claimed limitations. Therefore, the Affidavit is not persuasive.

### ***Conclusion***

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Grant whose telephone number is (703) 305 4755. The examiner can normally be reached on Monday-Friday 8:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872 9314 for regular communications and (703) 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Christopher Grant  
Primary Examiner  
Art Unit 2611

CG  
July 26, 2003